

LEGISLATURE OF THE STATE OF IDAHO
Sixty-first Legislature Second Regular Session - 2012

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 628

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO WIDTH OF HIGHWAYS; AMENDING SECTION 40-2312, IDAHO CODE, TO PROVIDE THAT HIGHWAYS CREATED BY STATUTORY PRESCRIPTION OR COMMON LAW DEDICATION ARE AN EXCEPTION TO THE REQUIREMENT THAT ALL HIGHWAYS SHALL NOT BE LESS THAN FIFTY FEET WIDE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 40-2312, Idaho Code, be, and the same is hereby amended to read as follows:

40-2312. WIDTH OF HIGHWAYS. All highways, except bridges and those located within cities, shall be not less than fifty (50) feet wide, except:

(1) Those highways created by:

(a) Prescription, pursuant to section 40-202(3); or

(b) Common law dedication (which does not specify a width), the width of which shall be limited to the actual traveling surface of the roadway and such additional space beyond the edge of the traveling surface of the roadway as has historically been used for the maintenance of the roadway; and

(2) Those of a lesser width presently existing, and may be are only as wide as required for proper historic construction and maintenance in the discretion of the authority in charge of the construction and maintenance. Bridges located outside incorporated cities shall be the same width to and across the river, creek or stream as the highway leading to it.